

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 22

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MARTY A. DIFUSCO

Junior Party
(Application 08/991,800)¹,

v.

LEO REINA and JAMES SORGANI

Senior Party
(Application 08/980,046)².

Patent Interference No. 104,392

Before McKELVEY, Senior Administrative Patent Judge, LEE and
SCHAFFER, Administrative Patent Judges.

LEE, Administrative Patent Judge.

¹ Filed December 16, 1997. Assigned to X-Ray Cassette
Repair Co. Inc.

² Filed November 26, 1997. Assigned to Mammography Quality
Control Corporation.

Interference No. 104,392
Difusco v. Reina

Judgment

Interference No. 104,392
Difusco v. Reina

On May 3, 2000, the parties filed a settlement agreement (Paper No. 20) to be kept separately from the interference file pursuant to 37 CFR § 1.666(b), and a joint request (Paper No. 19) for entry of adverse judgment against junior party Difusco. Accompanying the request is a paper labeled Exhibit A which has been entered as Paper No. 18 in this interference. Exhibit A is entitled "Notice of Abandonment of Patent Application of Junior Party" and is signed by junior party Marty A. Difusco. Attached to the joint request for entry of adverse judgment is a copy of a paper having the caption of junior party's involved application and signed by counsel for the junior party, which states that the junior party, Marty Difusco, abandons application 08/991,800.

The joint request for entry of adverse judgment against junior party Difusco is **granted**. It is

ORDERED that judgment as to the subject matter of the count is herein entered against junior party MARTY A. DIFUSCO;

FURTHER ORDERED that judgment as to the subject matter of the count is herein entered in favor of senior party LEO REINA and JAMES SORGANI;

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FURTHER ORDERED that junior party MARTIN A. DIFUSCO is not entitled to a patent containing his application claims 1-19 which correspond to the count;

FURTHER ORDERED that senior party LEO REINA and JAMES SORGANI are, on this record, entitled to their application claims 1-15, 20, 24, 25, and 28-30 which correspond to the count; and

FURTHER ORDERED that a copy of the attachment to the joint request for entry of adverse judgment, i.e., paper having the caption of the junior party's involved application, abandoning junior party's involved application, and signed by junior party's counsel, will be placed in the official file of junior party's involved application 08/991,800 as the next paper in that file.

Fred E. McKelvey, Senior)
Administrative Patent Judge)
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)	BOARD OF PATENT
)	APPEALS
Richard E. Schafer)	AND
Administrative Patent Judge))	INTERFERENCES
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Jameson Lee)	
Administrative Patent Judge))	

By Federal Express

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